

HOUSE BILL No. 1152

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2-2.2.

Synopsis: Certain sex offenders and school property. Provides that, as a condition of probation, a sex offender who is a sexually violent predator or an offender against children (sex offender) shall be prohibited from being on the property of a primary or secondary school. Provides, however, that: (1) if the sex offender attends a primary or secondary school, the sex offender shall be prohibited from being on the property of a primary or secondary school other than the school that the sex offender attends; and (2) if the sex offender is a parent or guardian of a child who attends a primary or secondary school, the sex offender shall be required to notify the school (and if the school is a public school, the school corporation) in writing that the sex offender is a sexually violent predator or an offender against children, and shall be prohibited from being on the property of the school that the child attends unless the sex offender is attending a meeting with a teacher or school administrator and is escorted by an employee of the school or school district while on school property.

Effective: July 1, 2008.

Richardson

January 8, 2008, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1152

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-2-2.2, AS AMENDED BY P.L.216-2007,
2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 2.2. **(a)** As a condition of probation for a sex
4 offender (as defined in IC 11-8-8-4.5), the court shall:

5 (1) require the sex offender to register with the local law
6 enforcement authority under IC 11-8-8; and

7 (2) prohibit the sex offender from residing within one thousand
8 (1,000) feet of school property (as defined in IC 35-41-1-24.7) for
9 the period of probation, unless the sex offender obtains written
10 approval from the court.

11 If the court allows the sex offender to reside within one thousand
12 (1,000) feet of school property under subdivision (2), the court shall
13 notify each school within one thousand (1,000) feet of the sex
14 offender's residence of the order. However, a court may not allow a sex
15 offender who is a sexually violent predator (as defined in
16 IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to
17 reside within one thousand (1,000) feet of school property.

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(b) Except as provided in subsections (c) and (d), as a condition of probation for a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11, the court shall prohibit the sex offender from being on the property of a primary or secondary school.

(c) If a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 attends a primary or secondary school, the court, as a condition of probation, shall prohibit the sex offender from being on the property of a primary or secondary school other than the primary or secondary school that the sex offender attends.

(d) As a condition of probation for a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 and is a parent or guardian of a child who attends a primary or secondary school, the court shall:

(1) require the sex offender to provide written notification that the sex offender is a sexually violent predator or an offender against children to:

(A) the school; and

(B) the school corporation, if the school is a public school; and

(2) prohibit the sex offender from being on the school property of the primary or secondary school that the sex offender's child attends unless the sex offender is:

(A) attending a meeting with a teacher or school administrator; and

(B) escorted by an employee of the school or school district while on school property.

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